

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

LARRY E. EALY,	:	
Plaintiff,	:	Case No. 3:09cv00020
vs.	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Sharon L. Ovington
JUDGE JOHN S. PICKREL, et al.,	:	
Defendants.	:	

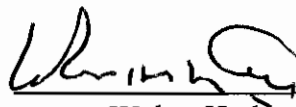
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**DECISION AND ENTRY ADOPTING IN FULL THE REPORT AND RECOMMENDATIONS FILED ON MARCH 16, 2009 (Doc. #3); DISMISSING PLAINTIFF'S COMPLAINT PURSUANT TO 28 U.S.C. §1915(e)(2)(B); CERTIFYING THAT AN APPEAL OF THIS DECISION WOULD NOT BE TAKEN IN GOOD FAITH AND, CONSEQUENTLY, DENYING PLAINTIFF LEAVE TO APPEAL *IN FORMA PAUPERIS*; AND TERMINATING THE CASE ON THE DOCKET OF THIS COURT**

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The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #3), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** in full said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on March 16, 2009 (Doc. #3) is **ADOPTED** in full;
2. Plaintiff's Complaint is **DISMISSED** pursuant to 28 U.S.C. §1915(e)(2)(B);
3. The Court certifies pursuant to 28 U.S.C. §1915(a)(3) that for the foregoing reasons an appeal of this Decision and Entry would not be taken in good faith and, consequently, leave for Plaintiff to appeal *in forma pauperis* is denied; and
4. The case is terminated on the docket of this Court.



Walter Herbert Rice  
United States District Judge